

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 2:22-cv-05774-JWH-PD Date February 20, 2024

Title *Dillon Bruno et al v. Chen Guo Biao, et al.*

Present: The Honorable JOHN W. HOLCOMB, UNITED STATES DISTRICT JUDGE

Clarissa Lara

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) Order to Show Cause re Dismissal for
Lack of Prosecution**

The Court issues this Order to Show Cause for two reasons. First, it appears that Plaintiffs Dillon Bruno and Caliber8 Inc. have not served one or more Defendants. Second, with respect to the Defendants that Plaintiffs have caused to be served with process, but that have not filed a timely answer, it appears that Plaintiffs have not moved for the entry of default judgment.

The Federal Rules of Civil Procedure provide that, absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. *See* Fed. R. Civ. P. 4(m). As discussed above, it appears that one or more Defendants meet that description.

Generally, each defendant must answer or otherwise respond to the complaint within 21 days after service (60 days if the defendant is the United States). *See* Fed. R. Civ. P. 12(a)(1). As discussed above, it also appears that one or more Defendants meet that description.

On December 20, 2023, Plaintiffs requested an extension of time to file a motion for default judgment with respect to some Defendants.¹ The Court granted the Request, and the Court extended to February 9, 2024, the deadline for Plaintiffs to file a motion for default judgment.² The defaulted Defendants have not moved to set aside the default nor have they otherwise responded in this action. However, Plaintiffs did not move for the entry of default judgment by the deadline.

In view of that procedural history, the Court, on its own motion, hereby **ORDERS** as follows:

1. Plaintiffs are **DIRECTED** to **SHOW CAUSE** in writing on or before March 1, 2024, why this action should not be dismissed, with respect to the following:

- a. each Defendant that has not been served; and
- b. each defaulted Defendant for which Plaintiffs have not moved for default judgment.

2. A hearing on this Order to Show Cause is **SET** for March 15, 2024, at 11:00 a.m. in Courtroom 9D of the Ronald Reagan Federal Building and U.S. Courthouse, 411 W. 4th Street, Santa Ana, California.

3. This Order to Show Cause will be discharged and the hearing will be vacated if, on or before March 1, 2024, Plaintiffs address and correct the infirmities that the Court has identified.

IT IS SO ORDERED.

¹ Request for Extension of Time to File Motion for Entry of Default Judgment (the “Request”) [ECF No. 112].

² Oder re: Granting Request [ECF No. 113].